

SECTION 10 DEVELOPMENT STANDARDS

10.1 Standards Protecting Agriculture

10.1.1 Purpose. The purpose of this section is to provide standards protecting the right to farm and ranch.

10.1.2 Agricultural Water Conveyance Facilities

A. Identification of Agricultural Water Conveyance Facilities. Any proposed Development requiring a LUP shall identify all Agricultural Water Conveyance Facilities located on the property or, if located off-site, those Agricultural Water Conveyance Facilities located within 50 feet of the Development requiring the LUP.

B. Acknowledgment of contact with irrigation entity. Any proposed Development requiring a LUP within 50 feet of the centerline of an Agricultural Water Conveyance Facility shall submit with their LUP application acknowledgment of contact with the appropriate water users and/or Agricultural Water Conveyance Facility's authorized representatives. Those users or representatives have 30 days to respond; if no response is received, the application may proceed. A model acknowledgment form is included in Appendix A. If a subdivision has addressed impacts to an Agricultural Water Conveyance Facility through the subdivision review process, the applicant may substitute that evidence with a LUP Application for an acknowledgement form.

C. Modifications of water transmission. Unless there is written consent from the appropriate water users and/or Agricultural Water Conveyance Facility's authorized representatives, there shall be no interference or obstruction in the transmission of water in any Agricultural Water Conveyance Facility. Before any maintenance, improvements, crossings, or modifications are performed on any Agricultural Water Conveyance Facility, the appropriate water users and/or Agricultural Water Conveyance Facility's authorized representatives must give written permission for the work to be done.

D. Stormwater or snowmelt Runoff. Unless there is written consent from the appropriate water users and/or Agricultural Water Conveyance Facility's authorized representatives, any proposed Development requiring a LUP shall be designed and developed so stormwater, snowmelt Runoff, water from dewatering activities, or other water originating from within the boundaries of the Development, does not run into or become captured by any Agricultural Water Conveyance Facility.

10.1.3 Fencing. All new subdivisions shall be fenced to prevent conflict with any existing agricultural operations on neighboring properties. Providing legally adequate fencing shall be the responsibility of the developer, and the continuing maintenance of all such fencing shall be the responsibility of the owner or property owners' association.

10.2 Standards For Land Use Compatibility

10.2.1 Purpose. The purpose of this section is to provide standards ensuring compatibility of different land uses.

10.2.2 Connections. New subdivision and construction of new Structures requiring a LUP shall be designed for traffic and pedestrian connections, such as sidewalks and trails, between Lots and buildings, including, but not limited to, shared drives, and multiple and/or shared access points to facilitate traffic flow, allow for functional pedestrian connections, and access for emergency vehicles.

10.2.3 Outdoor Lighting Standards. The outdoor lighting standards apply to new commercial, industrial, or Residential Development except as follows.

A. **Exemption.** The following uses are exempt from the lighting standards:

- i.* Lighting in swimming pools and other water features.
- ii.* Exit signs and other illumination required by building codes.
- iii.* Lighting for stairs and ramps, as required by building codes.
- iv.* Holiday lighting.

B. Lighting Standards:

- i.* Outdoor light fixtures shall be designed and installed to meet the following requirements:
 - a. The direct lighting source is not visible beyond the property line;
 - b. Light shall be directed down to the target area, and away from adjacent properties;
 - c. Flag poles may be illuminated by one upward-aimed, fully-shielded spotlight fixture.
 - d. All light sources must be shielded from the direct, line of sight view of motorists;
 - e. Light trespass shall be minimized to the extent feasible beyond the property line by means of shielding, directional control, fixture location, fixture height, fixture aim, use of tinted glass, or a combination of these or other factors.
- iii.* The Planning Department may impose additional conditions minimizing reflected light, glare and light trespass, hours of operation for outdoor lighting, and overall impact to adjacent properties.

C. Prohibited Outdoor Lighting:

- i.* Search lights (except by emergency response personnel), beacon lights, strobe lights, blinking, flashing, or fluttering lights, including changes to the lighting intensity, brightness, or color.

10.2.4 Road Improvements. The following standards mitigate the impact of high-traffic uses on roads.

- A. **Average Daily Traffic (ADT).** ADT for Lots approved for multi-family Development and/or commercial or other traffic-intensive Development shall be determined based on the figures from the most current volume of the Institute of Traffic Engineers (ITE) Manual;
- B. **Traffic Impact Studies.** Uses generating 500 ADT or more shall be required to provide a Traffic Impact Study (TIS) to identify impacts from the proposed use with a LUP application and shall provide mitigation as identified by the TIS prior to obtaining a Certificate of Occupancy. Where required, a TIS shall comply with the process requirements of the Gallatin County Subdivision Regulations;
- C. **Road Standards.** All uses and subdivisions requiring improvements to County roads shall refer to the current adopted version of the Greater Bozeman Area Transportation Plan, Belgrade Area Transportation Plan, and Gallatin County Subdivision Regulations as applicable for road improvement design standards.

10.2.5 Landscaping. Landscaping and Landscape Buffers are used to mitigate impacts of contiguous land uses of differing intensity and to enhance the District.

A. Projects Requiring Landscaping:

- i.* New construction of four or more Dwelling Units in a single multi-family Structure; or
- ii.* Construction of Principal Structures for Office, Retail, Personal and Business Service, industrial uses, or combinations of uses; or
- iii.* Construction of Accessory Structures 1200 square feet or greater for Office, Retail, Personal and Business Services, industrial uses, or combination of the above uses; or
- iv.* New use utilizing 10,000 or more square feet of exterior storage materials or goods; or

v. Expansion of any of the above-mentioned uses by more than 50% of the total square footage of the structure or expansion causing the building to exceed 10,000 square feet.

vi. Parking for any of the uses in Section 10.2.5.A.i through 10.2.5.A.v.

B. Designation of a Building Envelope. If a lot is over two acres in size, the applicant may request creation of a building envelope to satisfy the requirements of Section 10.2.5. A building envelope must wholly include the area on which the development is to occur and not exceed 75% of the area of the original site.

C. Yard Landscaping Requirements. Each use meeting the requirements of Section 10.2.5.A shall landscape at least three yards using one or more of the of the following landscape groupings in Table 10.1 for each 50 linear feet. At least one landscape element from both columns A and B are required. If any of the uses meeting the requirements of Section 10.2.5.A are adjacent to residential uses, one of the three required landscaped yards shall be used to buffer these uses. Modifications to these landscaping requirements may be obtained in writing from the Planning Department. Modifications shall be approved based on existing landscape features and conditions.

Table 10.1 - Required Landscaping

Column A	Column B
1 large canopy tree	3 evergreen shrubs and 3 deciduous shrubs
1 large non-canopy tree	2 small trees
2 small trees	2 large evergreen trees
	6 evergreen shrubs
	6 deciduous shrubs

D. Parking Area Landscaping. Each use meeting the requirements of Section 10.2.5.A shall meet the following Parking Area landscaping. These standards do not apply to parking totally provided within a building or Parking Structure, or to loading and delivery areas.

i. Landscaping requirements within a Parking Area. Landscaping shall be provided in, or immediately contiguous to, all parking lots at a minimum average density of one of the following options for each 9 parking spaces required or provided, whichever is greater:

1. One Large Canopy Tree;
2. One Large Non-Canopy Tree and 1 Small Tree; or
3. Three Small Trees.

ii. *Landscaping distribution within a Parking Area.* Landscaping shall be distributed throughout the Parking Area so that no parking space may be located more than 90 feet from the trunk of a tree.

iii. *Landscaping design standards within a Parking Area.* Any parking lot providing 15 or more parking spaces shall have a minimum of 20 square feet of landscape area within the parking lot for each off-street parking space and meet the following standards:

1. The interior parking lot landscaping shall be designed to facilitate, control, and denote proper vehicular circulation patterns;
2. Internal parking lot landscaping provided shall be proportionally dispersed so as to define aisles and limit unbroken rows of parking to a maximum of 100 feet, with landscaped areas provided in an appropriate scale to the size of the parking lot;
3. The minimum width and/or length of any parking lot landscaped area shall be 8 feet.

E. Minimum Landscape Buffer Requirements. Additional landscaping requirements are required when the conditions of Table 10.2 are met.

i. *Width.* The widths of required Landscape Buffers vary with the nature of the uses being separated. See Table 10.2.

ii. *Existing Landscaping.* Retention of existing landscaping (trees and shrubs meeting the definition of 10.2.5.D.iii.a through e) is required.

iii. *New Landscaping.* The Landscape Buffer shall contain at least one of the following groups of plant materials at a minimum average density of one group for each 50 linear feet:

- a. One Large Canopy Tree and one Large Non-Canopy Tree; or
- b. One Large Canopy Tree and two Small Trees; or
- c. One Large Canopy Tree and five evergreen shrubs; or
- d. One Large Canopy Tree, one Small Tree, and two large evergreen shrubs; or
- e. Two Large Non-Canopy Trees and one Small Tree.

iv. *Fences/Walls.* Fences or walls shall be opaque and at least six feet in height. The fence or wall shall be on the interior side of the buffer, placing landscaping nearest neighboring properties.

E. Landscape Buffer Width Exceptions.

- i.* Landscaped Buffers shall not be required if the proposed use results in industrial and/or commercial uses where rear yards are adjacent/adjoining.
- ii.* Landscape Buffers between new commercial and existing, adjacent Agriculture only apply to agricultural uses with Residential Structures within 20 feet of the adjacent property line.

F. Buffer Width Reduction: Additional Plantings. Minimum Landscape Buffer widths may be reduced where a greater density and diversity of plantings is included in the Landscape Buffer. The reductions allowed by this section are cumulative and may result in a total reduction of up to 30%.

- i. Large Canopy or non-Canopy Trees.* The required Landscape Buffer width shall be reduced by 10% where five or more Large Canopy or Large non-Canopy Trees per hundred lineal feet are planted or retained.
- ii. Small Trees.* The required Landscape Buffer width shall be reduced by 10% where five or more understory Trees per hundred lineal feet are planted or retained.
- iii. Shrubs.* The required Landscape Buffer width shall be reduced by 10% where 20 or more shrubs per hundred lineal feet are planted or retained.

G. Landscape Buffer Crossings/Inclusions. Required Landscape Buffers may be crossed by access drives, utility lines, sidewalks, and pedestrian trails. Pedestrian trails, buried utility lines, and Signs may be located in required Landscape Buffers.

Table 10.2 - Landscaped Buffer Requirements

The following table applies to new subdivision and Development meeting the criteria of 10.2.5.A. When uses are mixed in the same Structure, the lower minimum buffer width applies. For the purposes of this table, institutional uses are treated as commercial. Proposed uses adjacent to existing agricultural uses shall not be required to provide buffering.

<u>Proposed Use</u>	<u>Existing Adjacent Use</u>	<u>Minimum Buffer Width</u>	<u>Fence or Wall?</u>
industrial	Residential	40	Yes
industrial	Agriculture	40	Yes
industrial	commercial, general	10	No
industrial	public road	15	No
commercial, general	Industrial	10	No
commercial	Residential	20	No
commercial	Agriculture	20	No
commercial outdoor materials storage, handling, or sales area, over 10,000 square feet	Residential	30	Yes
commercial outdoor materials storage, handling, or sales area, over 10,000 square feet	Agriculture	30	Yes
commercial, general	public road	15	No
Residential subdivision and multifamily fourplexes	Industrial	40	No
Residential subdivision and multifamily fourplexes	commercial, general	20	No
Residential subdivision and multifamily fourplexes	commercial outdoor materials storage, handling, or sales area, over 10,000 square feet	30	No
Residential subdivision and multifamily Fourplexes	single-family or duplex Residential	20	No
Residential subdivision and multifamily fourplexes	Agriculture	20	See Section 10.1.3

10.2.6 Home-Based Businesses. A Home-Based Business shall meet the following standards:

- A. The Home-Based Business shall not change the Residential character of the Lot or adversely affect adjacent properties or the uses allowed in the District.
- B. All vehicles, materials, and solid waste related to the Home-Based Business must be located within Structures or screened from view.
- C. All parking shall be provided on site.

10.2.7 Home Occupations. A Home Occupation shall meet the following standards:

- A. No one residing off premises may be employed (for work related to the occupation) on the premises of a Home Occupation.
- B. All parking shall be provided on site.

10.2.8 Gambling Establishments. Gambling Establishments shall meet the following standards:

- A. Gambling Establishments shall not be located within 600 feet of Religious Organizations and Places of Worship;
- B. Gambling Establishments shall not be located within 600 feet of a public or private educational facility including, but not limited to, Day Cares or Schools.
- C. Gambling Establishments shall not be located within 450 feet, in any direction, of a Lot zoned for Residential uses.
- D. Gambling Establishments shall not be located within 600 feet, in any direction, of a public park.

10.2.9 Adult-Oriented Businesses. Adult-Oriented Businesses shall meet the following standards:

- A. Adult-Oriented Businesses shall not be located within 600 feet of Religious Organizations and Places of Worship;
- B. Adult-Oriented Businesses shall not be located within 600 feet of a public or private educational facility including, but not limited to, Day Cares or Schools;
- C. Adult-Oriented Businesses shall not be located within 450 feet, in any direction, of a Lot zoned for Residential uses;
- D. Adult-Oriented Businesses shall not be located within 600 feet of a public park or recreational area which has been designated for park or recreational activities

including, but not limited to, a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis course, skating rinks, pedestrian/bicycle paths, wilderness areas or other similar public land;

- E. Adult-Oriented Businesses shall not be located within 800 feet of another Adult-Oriented Business.
- F. Merchandise or activities of an Adult-Oriented Business shall not be visible from outside the establishment.

10.2.10 Parking. Parking Areas shall meet the following standards.

- A. **Standards for Parking Area Surfaces.** Parking Areas providing 15 or more parking spaces shall have properly graded and drained paved surfaces.
- B. **Stormwater Management Plan.** A stormwater management plan shall be required for any Parking Area of more than 20,000 feet in size.
- C. **Parking Spaces.** Parking spaces shall measure a minimum of 9 feet by 18 feet.
- D. **Location of Off-Street Parking.** Off-street parking shall be located on the same lot or within 600 feet of the use served, except for spaces serving a Dwelling unit, which shall be within 100 feet of the Dwelling unit.
- E. **Curb Cuts.** Continuous curb cuts are prohibited.
- F. **Circulation in Off-Street Parking Areas.** The pattern of circulation within Parking Areas shall be designed to provide safe and efficient access to individual parking spaces, protect pedestrians moving through the parking area, and facilitate safe access to public streets.
 - i. Parking Areas shall be designed so that circulation from one portion of the Parking Area to another does not rely on public streets.
 - ii. A separate pedestrian pathway or sidewalk shall be provided through or adjacent to Parking Areas to the destination for any uses providing 25 or more parking spaces.
 - iii. Snow storage and removal space shall be provided in Parking Areas.

10.2.11 Sign Provisions. The following standards apply to signs within the District:

- A. **Standards Applying to All Signs.** The following general standards apply to all Signs within the District:

- i.* Signs governed by this section are prohibited within any public road right-of-way or public easement (this does not include traffic control signs, road name signs, highway number signs, historic markers, travel information, Signs controlled by the Montana Outdoor Advertising Act, etc. or any other Signs installed and maintained by a government agency such as the Montana Department of Transportation or Gallatin County).
- ii.* Signs shall be maintained by the owner and kept in good condition and routinely painted and repaired. Ground surface under and around any Sign shall be kept free of weeds, rubbish, or flammable waste material. Signs shall be repaired so that the condition no longer exists within 30 days of receipt of written notification of the hazard unless otherwise specified.
- iii.* Signs for notification purposes approved as part of an Opencut Operations CUP for gravel mining operations shall refer to Section 2.6.3 for Sign standards.
- iv.* *Billboards.* Billboards are allowed in accordance with Montana Outdoor Advertising Act along Jackrabbit Lane (Highway 85), and Interstate 90. Billboards are prohibited in all other areas of the Belgrade Area Zoning District.

B. Standards for Signs on property within the Commercial or Mixed Use Districts.

- i.* *Wall Signs.* Canopy, window, or awning signs shall be classified as wall Signs. Dimensions of wall Signs shall not exceed 1.5 square feet per linear foot of building frontage. Lots fronting two or more streets shall be permitted an additional 35% of wall Sign area for each additional building frontage.
- ii.* *Temporary Signs.* There are no dimension standards for temporary Signs. Temporary Signs, including, but not limited to, banners, pennants, or portable Signs, may be used as temporary supplemental signage by an organization or business in connection with a special event, or specific major commercial sales even such as grand opening, close-out and going-out-of business, or truckload sales. Display of Temporary Signs shall not exceed a maximum of 30 days at any one time, nor occur on more than four separate occasions within any calendar year.
- iii.* *Freestanding Signs.*
 - a.* Primary Freestanding Signs. One primary Freestanding Sign is allowed for each Lot.
 - b.* Secondary Freestanding Signs. One secondary Freestanding Sign shall also be allowed per Lot. Secondary Signs may be off-premise Signs.
 - c.* Height.

1. Maximum height of each primary Freestanding Sign shall be 35 feet measured from the base of the nearest road edge.
 2. Maximum height of each secondary Freestanding Sign shall be 15 feet measured from the base of the nearest road edge.
- d. Square Footage.
1. Primary Freestanding Signs shall not exceed a maximum square footage of 100 square feet per Sign Face.
 2. Secondary Freestanding Signs shall not exceed a maximum square footage of 50 square feet per Sign Face.
- iv. *Master Signs.* Structures or clusters of Structures having more than one tenant or use, multi-tenant condo associations, and multi-Lot incorporated property owners associations may utilize a master Sign for the entire Structure or project. If a Development has more than one entrance, Master Signs may be utilized at each entrance.
- a. Height. Maximum height of all Master Signs shall be 35 feet measured from the base of the nearest road edge.
 - b. Square Footage. Master Signs shall not exceed a maximum square footage of 300 square feet of Sign Area per Sign Face.
 - c. Height for other Signs within multi-Lot Developments. Lots within a multi-Lot Development utilizing a Master Sign may have one on-premise Free-Standing Sign up to 15 feet in height measured from the base of the nearest road edge.
 - d. Square Footage of other Signs within multi-Lot Developments. Lots within a multi-Lot Development utilizing a Master Sign may have one on-premise Free-Standing Sign with a Sign Area of up to 100 square feet per Sign Face.
- v. *Prohibited Signs.* The following Signs are prohibited:
- a. Flashing, blinking, or moving Signs.
 - b. Spotlights or other fixtures used for the illumination of a Sign constituting a nuisance or a traffic hazard, including, but not limited to light sources not shielded from the direct line-of-sight view of passing motorists.

C. Standards for Signs on property within all other Sub-Districts.

- i. *Wall Signs.* Wall signs shall not exceed 32 square feet.

- ii. *Temporary Signs.* There are no dimension standards for temporary Signs. Temporary Signs, including, but not limited to, banners, pennants, or portable Signs, may be used as temporary supplemental signage by an organization or business in connection with a special event, or specific major commercial sales even such as grand opening, close-out and going-out-of business, or truckload sales. Display of temporary Signs shall not exceed a maximum of 30 days at any one time, nor occur on more than four separate occasions within any calendar year.
- iii. *Free-Standing Signs.* Two Signs may be allowed per Lot.
 - a. Height. Maximum height of both Signs shall be 10 feet measured from the base of the nearest road edge.
 - d. Square Footage. Maximum square footage of both Signs shall not exceed 32 square feet of Sign Area per Sign Face per Sign.
- iv. *Prohibited Signs.* The following Signs are prohibited:
 - a. Flashing, blinking, or moving Signs.
 - b. Spotlights or other fixtures used for the illumination of a Sign constituting a nuisance or a traffic hazard, including, but not limited to light sources not shielded from the direct line-of-sight view of passing motorists.

10.3 Standards For the Environment

10.3.1 Purpose. The purpose of this section is to provide standards for Watercourses, Wetlands, and Open Space.

10.3.2 Watercourses.

- A. Construction setbacks to the Gallatin River and East Gallatin River.** A 300-foot setback shall be provided between the ordinary high water mark and any new Structures requiring a Land Use Permit, excluding Structures used for agricultural purposes or the maintenance of livestock.
- B. Construction setbacks to other Watercourses.** A 150-foot setback shall be provided from the ordinary high water mark of all other Watercourses for any new Structures requiring a Land Use Permit, excluding Structures used for agricultural purposes or the maintenance of livestock. This setback does not apply to Agricultural Water Conveyance Facilities.

10.3.3 Wetlands.

A. **Wetlands Delineation.** A wetlands delineation prepared in accordance with the most recent guidelines of the Army Corps of Engineers must accompany the following applications:

- i. The subdivision of land in compliance with Title 76, Chapter 3, MCA;
- ii. LUPs for Development requiring any of the following permits:
 - a. Montana Stream Protection Act (SPA 124 Permit);
 - b. Stormwater Discharge General Permit;
 - c. Montana Natural Streambed and Land Preservation Act (310 Permit);
 - d. Montana Floodplain and Floodway Management Act (Floodplain Development Permit);
 - e. Federal Clean Water Act (404 Permit);
 - f. Federal Rivers and Harbors Act (Section 10 Permit);
 - g. Montana Land-Use License or Easement on Navigable Waters.

B. **Wetland Protection Standards.** The following standards shall apply to all jurisdictional and non-jurisdictional Wetlands:

- i. *Location in Open Space.* When land is subdivided, Open Space shall include all delineated Wetlands (see Section 10.3.4 for Open Space standards);
- ii. *Setback.* A 35-foot setback shall be provided between all Wetlands and any new Structures requiring a Land Use Permit;
- iii. *Alterations.* Wetlands may be altered if federal and state permits are obtained, or if permits are not required, compliance with all federal and state guidelines. All altered and newly-created Wetlands shall meet the standards of Section 10.3.3.

C. **Exemptions.** Exemptions to Section 10.3.3 are as follows:

- i. Wetlands may be modified for necessary utility lines, roads, driveways, and trails, provided that all state and federal permits are obtained.
- ii. Structures used for agricultural purposes or the maintenance of livestock, as well as docks, decks, and boathouses, are exempt from these requirements.

10.3.4 Open Space.

- A. **Open Space Standards.** Open Space shall be permanently protected and shall meet the following standards:
- i.* Open Space shall provide effective corridors through proposed Development for both wildlife movement and/or trails;
 - ii.* Where possible, Open Space shall be designed to be contiguous to Open Space in adjacent Developments;
 - iii.* Open Space should include wildlife habitat, riparian areas (including land set aside in Watercourse setbacks), and Wetlands;
 - iv.* Open Space calculations shall not include road rights-of-way, Parking Areas, Structures (unless associated with Agriculture or with recreation intended to be used or managed by the property owners' association) required Landscape Buffer areas, or land within individually owned Lots (unless meeting the requirements of 10.3.4.B.iv below);
 - v.* Maintenance of designated Open Space shall be the responsibility of the property owners' association or, in the case of 10.3.4.B.iv, individual Lot owners.
- B. **Methods of Preserving Open Space.** Open Space shall be permanently protected and may be held in one of the following ways:
- i.* Open Space Parcel dedicated to the property owners' association;
 - ii.* A park dedication according to the requirements of the Gallatin County Subdivision Regulations;
 - iii.* A perpetual conservation easement restricting Development of the Open Space and allowing Open Space uses as provided above and granted to an organization acceptable to the County Commission;
 - iv.* An individual Parcel owned by an individual Lot owner or other third party, dedicated as permanent Open Space on the plat and meeting all requirements of 10.3.4.A above.